IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO: 13928 of 1998

Between:

M.A. Qutub, S/o M.A. Khader,
Kalwakurthy, Mahabubnagar.

... PETITIONER

AND

1 Secretary, Regional Transport Authority, Mahabubnagar.
2 Motor Vehicle Inspector,
Kalwakurthy, Mahabubnagar District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or direction, more particularly one in the nature of Writ of Mandamus, holding the action of the Respondent No.1 herein in not granting the renewal of the contract carriage permit No. 1/68 in respect of the vehicle bearing Registration No. AAX-1761 without atleast granting the temporary permit as per the provisions of section 87(1)(d) of the Motor Vehicle Act, 1988, as illegal, arbitrary and violative of Articles 19(1)(g) of the constitutiion of India and consequently direct the Respondents No.1 herein to renew the said permit forthwith.

Counsel for the Petitioner: MR.ARIFULLA

Counsel for the Respondents: GP FOR TRANSPORT

The Court made the following:

ORDER:

This writ petition is filed seeking Mandamus holding the action of the Respondent No.1 in not granting the renewal of Contract Carriage Permit No.1/68 in respect of the vehicle bearing Registration No.AAX-1761 without at least granting the temporary permit as per the provisions of Section 87(1) (d) of the Motor Vehicles Act, 1998 as illegal and arbitrary.

2. The case of the petitioner is that he holds Contract Carriage Permit No.1/68 granted under the provisions of the Motor Vehicles Act, 1998 (for short 'the Act'), authorizing him to operate his vehicle in Mahabubnagar, Rangareddy and Hyderabad districts, which was initially granted in 1968 and which he had been renewing from time to time. Petitioner states that keeping in view of the expiry of the said permit on 10-11-1997, he filed application for renewal of the same, on 01-10-1997 as per the provisions of the Act. Petitioner's main grievance is that although he filed application on 01-10-1997, first respondent has not yet passed any orders and the same is said to be pending on his file. While things stood thus, he filed the present writ petition pending consideration of the renewal.

3. This Court, while admitting the writ petition, granted interim direction to the respondents to consider the case of the petitioner to operate his contract carriage vehicle bearing No.AAX-1761 on temporary permit as per the provisions of Section 87 (1) (d) of the Act. Even though the writ petition was admitted and interim direction was given, respondents have neither filed counter affidavit nor disposed of the application filed by the petitioner dated 01-10-1997 for permanent permit.

4. Under those circumstances, without keeping the writ petition pending, I deem it appropriate to dispose of the writ petition with a direction to the first respondent, Secretary, to consider the application of the petitioner dated 01-10-1997 that is said to be pending on his file and pass appropriate orders, expeditiously, within a period of three weeks from the date of receipt of a copy of this order.

The writ petition is disposed of with the above directions. No costs.

N.V. RAMANA, J

February 23, 2005

MRR

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

Copy to:

1 Secretary, Regional Transport Authority, Mahabubnagar.
2 Motor Vehicle Inspector, Kalwakurthy, Mahabubnagar District.

3 Two C.C. s to the G.P. for Transport, High Court Buildings,

Hyderabad.

4 Two C.D. Copies.